

64D01-2102-CT-001190

Porter Superior Court 1

Filed: 2/8/2021 11:27 AM

Clerk

Porter County, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

IN THE PORTER CIRCUIT/SUPERIOR COURT

VALORIE STEELE,)
)
 Plaintiff,)

-v-)
)
ALFRED J. RICH and)
KOLEASECO, INC.)
INC.)
)
 Defendants.)

CAUSE NO.:

COMPLAINT

FACTS COMMON TO ALL COUNTS

Comes now the Plaintiff, VALORIE STEELE, by counsel, KATHERINE S. SARKISIAN of SARKISIAN, SARKISIAN & ASSOCIATES, P.C., and for her cause of action against the Defendants, ALFRED J. RICH and KOLEASECO, INC, alleges and states as follows:

1. That the collision complained of herein occurred within the boundaries of Porter County, State of Indiana.
2. That at all times relevant herein, VALORIE STEELE was an individual who is a legal resident of the State of Indiana.
3. That at all times relevant herein, ALFRED J. RICH was an individual who upon information and belief, is a legal resident of Michigan who was also an agent and/or employee of Defendant, KOLEASECO, INC.
4. That at all times relevant herein, KOLEASECO, INC, was a for-profit business, licensed and/or authorized to transact business within the State of Indiana.

5. That on September 6, 2020, at approximately 5:50 a.m., the Plaintiff, VALORIE STEELE, was operating a 2020 Kia Sportage Westbound on Interstate 94 in Portage, Indiana.
6. That on said date and time, the Defendant, ALFRED J. RICH, operated KOLEASECO, INC'S 2019 Peterbilt 579 semi-tractor with an attached trailer (hereinafter collectively "the tractor-trailer"), under the dispatch and control of KOLEASECO, INC.
7. That on said date and time, ALFRED J. RICH operated the tractor-trailer Westbound on Interstate 94 immediately behind Plaintiff, VALORIE STEELE, in Portage, Indiana.
8. That on said date and time, ALFRED J. RICH failed to maintain a proper lookout causing the tractor-trailer to violently strike the rear end of Plaintiff's vehicle.
9. That at all times relevant herein, ALFRED J. RICH, owned, managed and/or leased the tractor-trailer he was operating.
10. That at all times relevant herein, KOLEASECO, INC owned, managed and/or leased the tractor-trailer operated by ALFRED J. RICH.
11. That at all times relevant herein, the tractor-trailer displayed a DOT No. 00667715.
12. That at all times relevant herein, the tractor-trailer displayed KOLEASECO, INC's logo.
13. That at all times relevant herein, KOLEASECO, INC was an interstate motor carrier subject to the Federal Motor Carrier Safety Regulations, operating through and within the State of Indiana.
14. That at all times relevant herein, there was in full force and effect in the State of Indiana I.C. § 8-2.1-24-18, a statute incorporating by reference, *inter alia*, Parts 390, 391, 392, 393, 395, and 396 of the Federal Motor Carrier Safety Regulations (hereinafter "FMCSRs")

15. That at all times relevant herein, ALFRED J. RICH was a professional truck driver employed by KOLEASECO, INC.
16. That at all times relevant herein, ALFRED J. RICH, and KOLEASECO, INC., were subject to and required to comply with the FMCSRs.
17. On and before September 6, 2020, KOLEASECO, INC, was subject to the Federal Motor Carrier Safety Regulations and owed VALORIE STEELE and others lawfully traveling on the roadway, a duty to use reasonable care.
18. On and before September 6, 2020, ALFRED J. RICH was subject to the Federal Motor Carrier Safety Regulations and owed VALORIE STEELE and others lawfully traveling on the roadway, a duty to use reasonable care.
19. On and before September 6, 2020, ALFRED J. RICH and KOLEASECO, INC, breached the foregoing duties and were negligent, willful, wanton, and/or reckless.
20. On September 6, 2020, as a direct and proximate result of the aforesaid negligence, willfulness, wantonness, and/or recklessness, ALFRED J. RICH and KOLEASECO, INC, caused their tractor-trailer to crash into the rear of VALORIE STEELE'S car with great force and violence.
21. On September 6, 2020, the Defendant, ALFRED J. RICH, was negligent per se in the operation of the tractor-trailer in a manner that violated federal, state, or local laws; statutes; codes; regulations; or ordinances pertaining to the safe operation of motor vehicles and/or commercial-motor vehicles upon the roadway.
22. As a direct and proximate result of the foregoing crash and the conduct of ALFRED J. RICH and KOLEASECO, INC., VALORIE STEELE was physically injured, suffered emotional distress and sustained other permanent and severe personal injuries; she

incurred and will incur ambulance, hospital, diagnostic, surgical, therapeutic, pharmaceutical, and other medical expenses; she suffered and will suffer physical pain, mental suffering, terror, fright, loss of enjoyment of life, and permanent impairment; she lost time or wages and impairment of her earnings capacity; and she incurred other injuries and damages of a personal and pecuniary nature.

23. At all times relevant herein, KOLEASECO, INC., exerted authority over ALFRED J. RICH's operation of its tractor-trailer, the means and methods employed by ALFRED J. RICH in his work, and provided him with the equipment, including but not limited to, the tractor-trailer, motor carrier license, and load necessary to accomplish his assigned tasks. As ALFRED J. RICH's employer(s), agent(s), and/or principal(s), and KOLEASECO, INC., are vicariously liable for his negligence and conduct.

WHEREFORE, VALORIE STEELE seeks the entry of judgement in her favor and against ALFRED J. RICH and KOLEASECO, INC., and each of them for compensatory and punitive damages, in an amount to be determined herein, pre-judgment interest and post-judgment interest, for the costs of this action, and for any and all other relief that the Court and Jury may deem proper under the circumstances.

SARKISIAN, SARKISIAN & ASSOCIATES PC
Attorney for Plaintiff

/s/: Katherine S. Sarkisian

KATHERINE S. SARKISIAN (32137-64)

6165 Central Avenue

Portage, IN 46368

Telephone: (219) 762-7718

Fax: (219) 763-4650

katie@SarkLawFirm.com

COUNT I – NEGLIGENCE

Comes now the Plaintiff, VALORIE STEELE, by counsel, KATHERINE S. SARKISIAN of SARKISIAN, SARKISIAN & ASSOCIATES, P.C., and for her cause of action against the Defendant, ALFRED J. RICH, alleges and states as follows:

24. That the Plaintiff, VALORIE STEELE, re-alleges the allegations contained in Paragraphs 1 through 23 above, and incorporates them as part hereof.

25. That the Defendant, ALFRED J. RICH was careless and negligent in the operation of the tractor-trailer, including but not limited to one or more of the following ways:

- a. Failing to maintain a reasonable control of the tractor-trailer;
- b. Failing to operate the tractor-trailer in a safe and reasonable manner;
- c. Failing to take evasive maneuvers in order to avoid collision;
- d. Failing to yield to other drivers on the roadway;
- e. Operated the tractor-trailer aggressively and without regard for the health and safety of others upon the roadway;
- f. Failing to keep a proper look out for warnings, other vehicles, distance, roadway space, and obstructions;
- g. Failing to ensure that he had adequate line-of-sight of other vehicles and obstructions in his path;
- h. Failing to maintain operation of the tractor-trailer of the weight of the truck and the vehicle's acceleration and deceleration mobility, maneuvering distance, and line-of-sight;
- i. Operating the truck without adequate training and experience;
- j. Violation of applicable state and federal statutes; and/or

k. Violation of applicable city and local ordinances

26. On September 6, 2020, the Defendant, ALFRED J. RICH, was negligent per se in the operation of the tractor-trailer in a manner that violated federal, state, or local laws; statutes; codes; regulations; or ordinances pertaining to the safe operation of motor vehicles and/or commercial-motor vehicles upon the roadway.
27. That as a proximate result of the aforementioned collision, the Plaintiff, VALORIE STEELE, sustained physical injuries, suffered emotional distress and sustained other permanent and severe personal injuries; she incurred and will incur ambulance, hospital, diagnostic, surgical, therapeutic, pharmaceutical, and other medical expenses; she suffered and will suffer physical pain, mental suffering, terror, fright, loss of enjoyment of life, and permanent impairment; she lost time or wages and impairment of her earnings capacity; and she incurred other injuries and damages of a personal and pecuniary nature.

WHEREFORE, the Plaintiff, VALORIE STEELE, prays for judgment against the Defendant, ALFRED J. RICH, in a just and proper sum, for the costs of this action, for pre-judgment interest, post-judgment interest and for all other just and proper relief.

SARKISIAN, SARKISIAN & ASSOCIATES PC
Attorney for Plaintiff

/s/: Katherine S. Sarkisian

KATHERINE S. SARKISIAN (32137-64)

COUNT II – RESPONDEAT SUPERIOR

Comes now the Plaintiff, VALORIE STEELE, by counsel, KATHERINE S. SARKISIAN of SARKISIAN, SARKISIAN & ASSOCIATES, P.C., and for her cause of action against the Defendant, KOLEASECO, INC, alleges and states as follows:

28. That the Plaintiff, VALORIE STEELE, re-alleges the allegations contained in Paragraphs 1 through 27 above, and incorporates them as part hereof.
29. That at all times relevant herein, the Defendant, ALFRED J. RICH, who negligently, recklessly and/or carelessly operated the tractor-trailer, was an employee and/or agent of KOLEASECO, INC.
30. That at all times relevant the Defendant, ALFRED J. RICH, was acting within the course and scope of his employment and/or agency with KOLEASECO, INC.
31. That at all times relevant herein, the Defendant, KOLEASECO, INC was the registered owner/operator, lessors, lessees or otherwise of the tractor-trailer being operated by the Defendant ALFRED J. RICH, who was its employee and/or agent under its direct control and supervision.
32. That as a proximate result of the aforementioned collision, the Plaintiff, VALORIE STEELE, sustained physical injuries, suffered emotional distress and sustained other permanent and severe personal injuries; she incurred and will incur ambulance, hospital, diagnostic, surgical, therapeutic, pharmaceutical, and other medical expenses; she suffered and will suffer physical pain, mental suffering, terror, fright, loss of enjoyment of life, and permanent impairment; she lost time or wages and impairment of her earnings capacity; and she incurred other injuries and damages of a personal and pecuniary nature.
33. That KOLEASECO, INC is vicariously liable for the negligence, recklessness, and/or

carelessness of its employee and/or agent, ALFRED J. RICH.

WHEREFORE, the Plaintiff, VALORIE STEELE, prays for judgment against the Defendant, KOLEASECO, INC, in a just and proper sum, for the costs of this action, for pre-judgment interest, post-judgment interest and for all other just and proper relief.

SARKISIAN, SARKISIAN & ASSOCIATES PC
Attorney for Plaintiff

/s/: Katherine S. Sarkisian

KATHERINE S. SARKISIAN (32137-64)

COUNT III - NEGLIGENCE HIRING, TRAINING, SUPERVISION AND RETENTION

Comes now the Plaintiff, VALORIE STEELE, by counsel, KATHERINE S. SARKISIAN, of SARKISIAN, SARKISIAN & ASSOCIATES, P.C., and for her cause of action against the Defendant, KOLEASECO, INC, alleges and states as follows:

34. That the Plaintiff, VALORIE STEELE, re-alleges the allegations contained in Paragraphs 1 through 33 above, and incorporates them as part hereof.
35. That KOLEASECO, INC owed the general public, including the Plaintiff, a duty to determine the qualifications of its employees and agents including, but not limited to:
 - a. Adequately evaluating applicants before hiring them as truck drivers;
 - b. Adequately training and supervising these drivers; and
 - c. Adequately evaluating these employee's job performance to discharge any incompetent or negligent employee before he injured the public or property.
36. That KOLEASECO, INC breached these duties to the general public, including the

Plaintiff, by its negligent and careless hiring, training, supervising, and retaining of ALFRED J. RICH who was unqualified, incompetent, and/or negligent and careless.

37. That as a proximate result of the aforementioned breach(es), the Plaintiff, VALORIE STEELE, sustained physical injuries, suffered emotional distress and sustained other permanent and severe personal injuries; she incurred and will incur ambulance, hospital, diagnostic, surgical, therapeutic, pharmaceutical, and other medical expenses; she suffered and will suffer physical pain, mental suffering, terror, fright, loss of enjoyment of life, and permanent impairment; she lost time or wages and impairment of her earnings capacity; and she incurred other injuries and damages of a personal and pecuniary nature.

WHEREFORE, the Plaintiff, VALORIE STEELE, prays for judgment against the Defendant, KOLEASECO, INC, in a just and proper sum, for the costs of this action, for pre-judgment interest, post-judgment interest and for all other just and proper relief.

SARKISIAN, SARKISIAN & ASSOCIATES PC
Attorney for Plaintiff

/s/: Katherine S. Sarkisian

KATHERINE S. SARKISIAN (32137-64)

COUNT IV – NEGLIGENT ENTRUSTMENT

Comes now the Plaintiff, VALORIE STEELE, by counsel, KATHERINE S. SARKISIAN of SARKISIAN, SARKISIAN & ASSOCIATES, P.C., and for her cause of action against the Defendant, KOLEASECO, INC, alleges and states as follows:

38. That the Plaintiff, VALORIE STEELE, re-alleges the allegations contained in Paragraphs 1 through 37 above, and incorporates them as part hereof.
39. That the Defendant, KOLEASECO, INC, entrusted the tractor-trailer to the Defendant,

ALFRED J. RICH.

40. That the Defendant, KOLEASECO, INC, was careless and negligent in one or more of the following ways:

- a. Entrusting their vehicle to a person whom they knew or should have known to be incompetent, unsafe, and generally a danger to others in the operation of a motor vehicle upon the roadways;
- b. Entrusting their vehicle to a person whom they knew or should have known to be unfamiliar with the operation of said vehicle.

41. That as a proximate result of the aforementioned breach(es), the Plaintiff, VALORIE STEELE, physical injuries, suffered emotional distress and sustained other permanent and severe personal injuries; she incurred and will incur ambulance, hospital, diagnostic, surgical, therapeutic, pharmaceutical, and other medical expenses; she suffered and will suffer physical pain, mental suffering, terror, fright, loss of enjoyment of life, and permanent impairment; she lost time or wages and impairment of her earnings capacity; and she incurred other injuries and damages of a personal and pecuniary nature.

WHEREFORE, the Plaintiff, VALORIE STEELE, prays for judgment against the Defendant, KOLEASECO, INC, in a just and proper sum, for the costs of this action, for pre-judgment interest, post-judgment interest and for all other just and proper relief.

SARKISIAN, SARKISIAN & ASSOCIATES PC

Attorney for Plaintiff

/s/: Katherine S. Sarkisian

KATHERINE S. SARKISIAN (32137-64)

MOTION FOR TRIAL BY JURY

Plaintiff by counsel, requests a trial by jury on all counts triable by a jury.

Respectfully submitted,

SARKISIAN, SARKISIAN & ASSOCIATES PC
Attorney for Plaintiff

/s/: Katherine S. Sarkisian

KATHERINE S. SARKISIAN (32137-64)

6165 Central Avenue

Portage, IN 46368

Telephone: (219) 762-7718

Fax: (219) 763-4650

katie@SarkLawFirm.com